

Information Administration, the Administrator of the Economic Regulatory Administration, the Inspector General, the Deputy Inspector General, the Director of the Office of Energy Research, the Assistant Secretary for Conservation and Solar Applications, the Assistant Secretary for Environment, the Assistant Secretary for Resource Applications, the Assistant Secretary for Energy Technology, the Assistant Secretary for Defense Programs, the Assistant Secretary for Intergovernmental and Institutional Relations, the Assistant Secretary for International Affairs, the Assistant Secretary for Policy and Evaluation, the Special Assistant to the Secretary, the Director of Administration, the Controller, the Director of Procurement and Contracts Management, the Deputy Assistant Secretary for Legislative Affairs, the Deputy Assistant Secretary for Public Affairs, and the Deputy Assistant Secretary for Governmental Affairs.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312 (i) and (k), sections 213.3329 and 213.3388 are revoked and section 213.3331 is added as set out below:

§ 213.3312 Department of the Interior.

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(i) [Revoked]

\* \* \* \* \*

(k) [Revoked]

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§ 213.3329 [Revoked]

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§ 213.3331 Department of Energy.

(a) *Office of the Secretary.* (1) Two Confidential Secretaries and one Motor Vehicle Operator to the Secretary.

(2) Two Confidential Secretaries and one Motor Vehicle Operator to the Deputy Secretary.

(3) One Confidential Secretary to the Undersecretary.

(4) One Confidential Secretary to the Special Assistant to the Secretary.

(b) *Office of the General Counsel.* (1) One Confidential Secretary to the General Counsel.

(c) *Federal Energy Regulatory Commission.* (1) One Confidential Secretary to the Chairman.

(2) One Confidential Secretary to each of four Members.

(d) *Office of the Administrator of the Energy Information Administration.* (1) One Confidential Secretary to the Administrator.

(e) *Office of the Administrator of the Economic Regulatory Administration.* (1) One Confidential Secretary to the Administrator.

(f) *Office of the Inspector General.* (1) One Confidential Secretary to the Inspector General.

(2) One Confidential Secretary to the Deputy Inspector General.

(g) *Office of the Director of Energy Research.* (1) One Confidential Secretary to the Director.

(h) *Office of the Assistant Secretary for Conservation and Solar Applications.* (1) One Confidential Secretary to the Assistant Secretary.

(i) *Office of the Assistant Secretary for Environment.* (1) One Confidential Secretary to the Assistant Secretary.

(j) *Office of the Assistant Secretary for Resource Applications.* (1) One Confidential Secretary to the Assistant Secretary.

(k) *Office of the Assistant Secretary for Energy Technology.* (1) One Confidential Secretary to the Assistant Secretary.

(l) *Office of the Assistant Secretary for Defense Programs.* (1) One Confidential Secretary to the Assistant Secretary.

(m) *Office of the Assistant Secretary for Intergovernmental and Institutional Relations.* (1) One Confidential Secretary to the Assistant Secretary.

(2) One Confidential Secretary to the Deputy Assistant Secretary for Legislative Affairs.

(3) One Confidential Secretary to the Deputy Assistant Secretary for Public Affairs.

(4) One Confidential Secretary to the Deputy Assistant Secretary for Governmental Affairs.

(n) *Office of the Assistant Secretary for International Affairs.* (1) One Confidential Secretary to the Assistant Secretary.

(o) *Office of the Assistant Secretary for Policy and Evaluation.* (1) One Confidential Secretary to the Assistant Secretary.

(p) *Office of the Director of Administration.* (1) One Confidential Secretary to the Director.

(q) *Office of the Controller.* (1) One Confidential Secretary to the Controller.

(r) *Office of the Director of Procurement and Contracts Management.* (1) One Confidential Secretary to the Director.

\* \* \* \* \*

§ 213.3388 [Revoked]

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc. 77-28935 Filed 9-29-77; 8:45 am]

[ 6325-01 ]

#### PART 831—RETIREMENT

##### Allotments From Civil Service Annuities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to allow allotments to

be paid to employee/annuitant organizations which have collected a minimum of 2,000 allotment authorizations from interested annuitants. The purpose of this amendment is to implement Public Law 94-166 which authorized allotments to be made from civil service retirement annuities.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank D. Titus, Program Analyst, Bureau of Retirement, Insurance and Occupational Health, Civil Service Commission, Washington, D.C. 20415, phone 202-632-4650.

#### SUPPLEMENTARY INFORMATION:

On June 10, 1977, there was published in the FEDERAL REGISTER (42 FR 29880) a notice of proposed rulemaking setting forth the conditions under which the Civil Service Commission would effect allotments from civil service annuities. Interested parties were given the opportunity to submit, not later than July 11, 1977, comments regarding the proposed rules.

Other than requests for additional information, the Commission received only two letters suggesting modifications in the proposed rules. One letter recommended that the regulations be expanded to encompass allotments for savings bonds and another recommended that the number of potential allottee organizations be expanded beyond the maximum of twenty specified in § 831.1321(h) and that the requirement that an organization collect a minimum of 2,000 allotment authorizations prior to participation in the allotment program, § 831.1311(b), be reduced to 1,000 authorizations.

At this time, the Commission does not have the capability to effect annuity allotments for savings bonds. The Commission is undertaking a study to determine what types of additional allotment services, if any, are needed by its annuitants and the processing modifications required to effect such services. This study will address savings bonds allotments. The suggestion regarding savings bonds is therefore not adopted.

The restriction placed on the number of organizations which may receive allotments, twenty, contained in § 831.1321(h) is inherent in the current annuity roll processing system which will effect annuity allotments. Until such time as the Commission's annuity roll processing capacity is expanded, the allotment program must be limited to twenty organizations. Given this inherent limitation, maximum availability of allotment services is best assured by requiring a minimum participation level for each organization. The recommendation to modify § 831.1311(b) and § 831.1321(h) is therefore not adopted.

Accordingly, 5 CFR 831 is amended by adding a new subpart O as set out below.

NOTE.—The Civil Service Commission has determined that this document does not

contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

Subpart O—Allotments From Civil Service Annuities

- Sec.  
831.1301 Definitions.  
831.1311 Authorized allottees.  
831.1321 Limitations.

AUTHORITY: 5 U.S.C. 831.

Subpart O—Allotments From Civil Service Annuities

§ 831.1301 Definitions.

(a) "Allotment" means a specified deduction from the annuity payments due an annuitant voluntarily authorized by the annuitant to be paid to an allottee.

(b) "Allottee" means the institution or organization to which the allotment is paid.

(c) "Allotter" means the annuitant from whose annuity payments an allotment is deducted.

(d) "Annuity Payments" means the net monthly annuity payment due an annuitant after all authorized deductions (such as those for health benefits, Federal income tax, overpayment of annuity, payment of a government claim, etc.) have been made.

§ 831.1311 Authorized allottees.

(a) An annuitant may make an allotment to the national office or headquarters of any of the following organizations:

(1) A labor organization recognized under Executive Order 11491, as amended;

(2) An employee organization recognized under 5 U.S.C. 8901(8);

(3) Other lawful organizations which:

- (i) Are national in scope,
- (ii) Are nonprofit and noncommercial, existing primarily for the purpose of representing employee or annuitant interests in their dealings with employing agencies or the Commission.
- (iii) Consist primarily of Federal employees and/or annuitants, and
- (iv) Existed as of December 23, 1975.

(b) The Commission, in its sole discretion, may approve the individual organizations which may receive allotments only after the organization has collected, in accordance with procedures prescribed by the Commission, a minimum of two thousand (2,000) allotment authorizations from civil service annuitants.

(c) The Commission shall permit an annuitant to make an allotment to an organization only when:

(1) The organization has been approved as an allottee by the Commission, and

(2) The organization has agreed in writing to solicit and process allotments in accordance with requirements prescribed by the Commission.

§ 831.1321 Limitations.

(a) The amount of any allotment may not be less than one dollar (\$1) and, in the absence of compelling circumstances, shall be in whole dollars.

(b) The total amount of any allotment(s) may not exceed the net monthly annuity due the allotter.

(c) An annuitant may make only one allotment payable to the same allottee at the same time and may make no more than a total of two allotments.

(d) Payment of an allotment shall be discontinued when the allotter's annuity payments are terminated or suspended by the Commission.

(e) Allotments shall be disbursed on one of the regularly designated paydays of the allotter in accordance with the Commission's agreement with the allottee.

(f) Allottees shall agree that the Commission shall be held harmless for any authorized allotment request made by an allottee in accordance with the allottee's agreement with the Commission.

(g) Allottees shall agree that disputes regarding any authorized allotment shall be a matter between the allotter and the allottee.

(h) The total number of allottees shall be limited to twenty (20), with first preference given to those organizations participating in the Federal Employees Health Benefits Program. Thereafter, preference shall be based on the date of application and the number of annuitants who have completed allotment authorizations.

(i) The Commission, in its discretion, shall recover from the allottee, the incremental costs of making allotments.

(j) The Commission, in its sole discretion, may terminate an allottee's participation in the allotment program described by this subpart at any time in accordance with its agreement with the allotted.

[FR Doc.77-28667 Filed 9-29-77;8:45 am]

[ 6325-01 ]

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Opportunities To Register To Enroll and Change Enrollment; Open Season

AGENCY: Civil Service Commission.

ACTION: Final rulemaking.

SUMMARY: The amendment changes the dates of the 1977 Federal Employees Health Benefits (FEHB) Program open season from November 15-30 to November 14-December 9. This extension is necessary to enable the Commission to ensure that all employees receive 1977 open season materials timely.

DATE: Effective September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward G. Borchers, (202-632-4684).

SUPPLEMENTARY INFORMATION: On page 41866 of the FEDERAL REGISTER

of August 19, 1977, proposed rulemaking was published to change the 1977 FEHB open season from November 15-30 to November 14-December 9. Comments and suggestions were invited for a 30-day period, ending September 19, 1977.

Comments were received from many sources and all were favorable concerning extending the open season from two work-weeks to four work-weeks. A number of suggestions were made regarding the exact dates of the open season; most suggesting that the open season begin earlier than November 14. While beginning the open season one or two weeks earlier would provide agencies and carriers with more time to process open season forms, printing and distribution schedules make it extremely unlikely that most eligible employees will receive open season literature prior to November 14. As a result, the Commission will not change the dates proposed but will consider the possibility of earlier dates for future open seasons.

Accordingly, 5 CFR 890.301(d) (1) is amended to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

(d) Open season. (1) During the period November 14, 1977, through December 9, 1977, an employee who is not registered to be enrolled may register to be enrolled, and an enrolled employee or annuitant may change his or her enrollment from one plan or option to another, or from self only to self and family, or both.

(5 U.S.C. 8913)

NOTE.—The Civil Service Commission has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.77-28668 Filed 9-29-77;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

Correction

In FR Doc. 77-24407 appearing on page 42302 in the issue for Tuesday, August 23, 1977, on page 42308, the 2nd column, the last paragraph, the 7th line should read, " \* \* \* restrictions on intrastate movement of \* \* \*".

## [ 3410-02 ]

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

## PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

## Changes To Improve Administrative Operating Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule makes changes to improve administrative operating procedures, and makes organizational changes to facilitate reference in certain provisions established under the Federal marketing order for California raisins. Some of the changes bring the procedures and provisions in line with recent order amendments. Other changes update provisions so they are more reflective of current industry operating practices.

EFFECTIVE DATE: October 1, 1977.

## FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202-447-3545).

## SUPPLEMENTARY INFORMATION:

On August 19, 1977, there was published in the FEDERAL REGISTER (42 FR 41867) a proposal to revise Subpart—Administrative Rules and Regulations (7 CFR 989.101-989.176), Subpart—Supplementary Regulations (7 CFR 989.201-989.231), Subpart—Schedule of Payments (7 CFR 989.401), Subpart—Conversion Factors (7 CFR 989.601), and to add a new Subpart—Quality Control (7 CFR 989.701-989.702). The subparts are pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 42 FR 37200), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was based on a recommendation of the Raisin Administrative Committee.

Interested persons were given the opportunity to submit written data, views, or arguments on the proposal. A comment was received from a raisin handler. The comment opposes the proposal to revise § 989.210 to include Golden Seedless and Dipped Seedless raisins under a weight dockage system for immaturity. Currently, this system is applicable only to Natural (sun-dried) Seedless raisins. Under this system the quantity of raisins docked from the grower equals the quantity of immature raisins which have to be removed from the lot by the handler to bring it up to grade.

The main objection the commentator has is that Golden Seedless and Dipped Seedless raisins do not have the same

stemming characteristics as do Natural (sun-dried) Seedless raisins because they are stickier. They are therefore much less free flowing during the stemming operation, and more difficult to process in the removal of immature raisins. The commentator contends that there is no loss to the grower other than some weight loss which he would have had anyway. Because the removal of excess immature raisins from lots of Golden Seedless and Dipped Seedless raisins during normal processing is more difficult than from lots of Natural (sun-dried) Seedless raisins, there is additional cost and risk transferred to the handler. In past years, the commentator found that lots high in substandard raisins prior to processing failed the outgoing standards for processed raisins. Thus, it appears that the risk of the raisins failing the outgoing requirements is present regardless of the care in processing taken by the handler.

It is further contended that the inclusion of these two artificially dried varietal types of raisins under a weight dockage system transfers what is essentially a grower problem to the handler. He states that the problem of immaturity in these two varietal types is essentially a grower problem, because it results from the grower making raisins from immature grapes. The more the grower maturity standard is relaxed, the more likely will be the tendency to pick earlier—hence, before grapes are ready to be picked—which will have a disadvantageous market effect.

Therefore, to give the Raisin Administrative Committee opportunity to reconsider the proposal in the light of the comment, Golden Seedless and Dipped Seedless raisins will not be included under the weight dockage system. If the Committee is able to resolve the objections contained in the comment, the proposal to include these two varietal types under the weight dockage system will be reconsidered.

The terms "Order" and "Terms in the order" defined in §§ 989.101 and 989.103, respectively, are deleted because they are superfluous. The administrative rules and regulations are operative pursuant to the order, and terms used in the administrative rules and regulations have the same meaning as in the order.

The August 1, 1977, amendment of the order reduced the extensive number of varietal type categories to simplify classification of raisins used in regulating the volume and quality of raisins moved to market. Seven varietal types were established incorporating those in § 989.110. These are now set forth in § 989.10 of the order, as amended August 1. Thus, the list of varietal types in § 989.110 is deleted.

The list of varietal types with conversion factors for converting packed weight to natural condition weight in § 989.601 is revised to reflect the changes in varietal type categories. The categories Dipped Seedless and Golden Seedless were not changed by the amendment and need not be changed in the table. All of the other varietal types in the list are

changed according to the varietal types in § 989.10.

The 1977 amendment of the order also provided for the deletion of § 989.96, containing provisions dealing with Raisin Administrative Committee grower districts and representatives per district, and the transferral of these provisions from the order to the rules and regulations to facilitate reference. Producer representation is required to be reviewed every three years for equitable representation and any necessary changes made. Pursuant to this, changes were made in district boundaries and representation in 1973 and set forth in §§ 989.125 and 989.126, respectively. However, this format requires a reader to refer to the order and the rules and regulations to find the applicable provisions. To facilitate reference, the provisions in § 989.96 on districts are combined with the provisions of § 989.125 in a new § 989.122 and § 989.125 is deleted. Section 989.122 would be made applicable to the Raisin Administrative Committee, not the Raisin Advisory Board, because the Board was abolished and replaced with the Committee on August 4, 1976. The provisions in new § 989.122 would be slightly different from those in § 989.96 in that they would serve the purpose only of defining district areas and would not deal with the membership per district.

The number of members per district and provisions pertaining to change for equitable representation would continue to be specified in § 989.126. The provisions of § 989.126 are the same as the current provisions except for minor wording and conforming changes made necessary because of the establishment of § 989.122, and the establishment of the Raisin Administrative Committee in place of the Raisin Advisory Board.

The provisions in § 989.138 relating to producer districts and § 989.139 relating to producer representation per district on the Raisin Administrative Committee are moved to §§ 989.142 and 989.143, respectively, so that the numbering of these provisions conforms with the numbering of the corresponding provisions in the order. Also, these provisions are made applicable to the Executive Operations Committee, rather than the Raisin Administrative Committee. Effective August 4, 1976, the membership provisions of the order applicable to the Raisin Administrative Committee were made applicable to an Executive Operations Committee. Also, the references to "§ 989.125" in paragraphs (a) (1), (2), and (3) of § 989.138 are changed to "§ 989.122" because of the proposal to transfer the provisions in § 989.125 to § 989.122. The reference to "board" in § 989.129 relating to voting in nomination meetings is changed to "Committee".

Provisions relating to handler and dehydrator representation on the abolished Raisin Advisory Board are contained in §§ 989.127 and 989.128. These provisions are obsolete and are deleted because similar provisions were added to § 989.26 applicable to the Raisin Administrative Committee in August 1976. Handler representation provisions on the abolished

Raisin Administrative Committee in § 989.140 were moved to § 989.43 of the order and made applicable to the Executive Operations Committee by the August 1976 order amendment. Hence, § 989.140 is obsolete and is deleted. The mail and telegraph voting provisions in § 989.152 of the rules and regulations are deleted because the corresponding order provisions were deleted by the 1976 order amendment.

The provisions currently in § 989.148 on compensation for attendance at committee meetings are moved to § 989.139 so the numbering conforms with the corresponding order provisions. The title of revised § 989.139 would be the same as current § 989.148, but the provisions would contain minor changes clarifying that alternates of both the Raisin Administrative Committee and Executive Operations Committee are covered, and the reference to "§ 989.48" at the end of these provisions is changed to "§ 989.39".

The most recent amendment of the order provides for grading requirements on natural condition raisins in § 989.97 (Exhibit B) and for packed raisins in § 989.59(a) to be transferred from the order to the rules and regulations to facilitate reference. Numerous changes have been made in these requirements by rulemaking, and consequently the applicable requirements are in the order and/or Subpart—Supplementary Regulations. As a result, this format requires reference to the order and that subpart to find all applicable grading requirements.

Therefore, the grading requirements on natural condition raisins in § 989.97 (Exhibit B) and the changes in these requirements pursuant to § 989.58(b) in §§ 989.201, 989.203, and 989.211 are combined for better organization and included in a new Subpart—Quality Control. The requirements are placed in § 989.701 titled "Minimum grade and condition standards for natural condition raisins". Except for the addition of requirements on water dipped, vine sprayed, or similarly treated Muscats (including other raisins with seeds), the grade and condition requirements prescribed for the individual varietal types would be essentially the same as currently prescribed.

The requirements in § 989.59(a) for packed raisins and the changes pursuant to § 989.59(b), in § 989.204, and 989.212 are combined and placed in § 989.702, titled "Minimum grade standards for packed raisins" for the same reasons that the relocation of the natural grade condition requirements are made. The requirements are the same as currently prescribed, and minor wording changes reflecting the varietal type changes are made.

Because of this change combining provisions on grading requirements, §§ 989.201, 989.203, 989.204, 989.211, and 989.212 are obsolete and are deleted.

The desirable free tonnage concept of volume control was eliminated August 4,

1976. With the elimination of this concept § 989.224 is no longer needed and it is deleted.

Also, rules and procedures are added to § 989.158(a)(8) to implement the authority added to § 989.58(d)(1) by the August 1977 amendment giving handlers the option of eliminating the initial inspection check for infestation at the time of receipt. To the extent that handlers take advantage of this option, the unnecessary delay in completion of the inspection and certification process would be eliminated, because these activities would not be interrupted by the fumigation process. If the handler elects not to take advantage of this option, and have the raisins inspected for infestation upon receipt, he would continue to be given the opportunity to fumigate lots prior to the completion of the inspection and certification process.

Currently, § 989.159(g)(2) and 989.173(d)(2) contain parenthetical references to the definitions of off-grade raisins, and other failing raisins which had been contained in § 989.59(f). The most recent amendment of the order moved these definitions from § 989.59(f) to § 989.24. Section 989.24 is in that portion of the order devoted to definitions. Therefore, these references are no longer needed and are deleted. Also, included in paragraph (g)(2) of § 989.159 is a parenthetical expression defining raisin residual material. The definition of this term was also moved to § 989.24. Thus, it is not needed in § 989.159(g)(2).

Section 989.166(c)(2) provides that normal and natural deterioration and shrinkage of raisins stored in portable containers be judged as if they had been stored in sweat boxes or picking boxes. Bins are now the common storage containers used by the industry. This requirement is obsolete and is deleted because deterioration and shrinkage experienced with bins has been no different from that experienced with sweat boxes or picking boxes.

Section 989.166(c)(3) is revised to bring into conformity with the corresponding order provisions on substitutions of reserve tonnage raisins. The 1977 amendment of the order brought provisions in § 989.66(c)(3) relating to the substitution of reserve tonnage raisins in line with the method of Committee application by deleting the requirement that the raisins substituted for the reserve raisins be "like quality". A literal application of this requirement was never adopted because reserve tonnage raisins only have to be standard raisins, i.e.—raisins at least meeting the effective minimum grade and condition standards. Section 989.166(d) pertains to the delivery of reserve tonnage raisins by a handler to the Committee in the quantity and quality for which he has become obligated. Since a handler is obligated to deliver only standard raisins to the Committee § 989.166(d) is revised to clarify this fact.

In the August 4, 1976, amendment, the corp year was changed from a September

1, August 31 period to an August 1, July 31, period. Because of this change, the provisions in § 989.173 are amended by changing the August 31 and September 6 dates for submission of inventory reports to July 31 and August 6, respectively. The reports would be submitted by handlers for each varietal type held by him.

The provisions in § 989.401 deal with compensation of raisin handlers for services performed on reserve tonnage raisins held for the account of the Committee during and beyond the crop year of acquisition. Because the crop period was changed, minor wording changes are made in paragraphs (a)(1), (b), and (c) of § 989.401. Also, the next-to-the-last sentence in § 989.401(c) is amended by changing the word "box" to "container" wherever it appears, to clarify that the sentence deals with the weight of raisins in both boxes and bids.

After consideration of all relevant matters presented, including that in the notice, the comment received, the Committee's recommendations, and other available information, it is hereby found that the changes in the various subparts and the establishment of a new subpart hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action should be effective as soon as possible during the 1977-78 crop year which began August 1, 1977, so handlers can operate under the improvements in program operations and procedures provided by these changes; (2) several of the changes implement provisions recently added to the order and handlers have expressed interest in operating under these provisions as soon as possible during this crop year; (3) certain provisions on quality control and grower representation will be deleted from the order October 1, 1977, and the provisions in this action covering those matters should become effective as soon as practical in order to assure continuous regulation; (4) handlers are aware of this action and need no additional time to operate under the various changes; and (5) no useful purpose would be served by postponing the effective time hereof.

It is, therefore, ordered, That the following changes be made to improve administrative operating procedures. As revised the various subparts, and the new subpart read as follows:

#### Subpart—Administrative Rules and Regulations

#### §§ 989.101, 989.103, 989.110 [Deleted]

1. Section 989-101 is deleted.
2. Section 989.103 is deleted.
3. Section 989.110 is deleted.
4. The center heading "RAISIN ADMINISTRATIVE BOARD" immediately following § 989.110 is changed to "RAISIN ADMINISTRATIVE COMMITTEE", and a new § 989.122 is added to read:

## RAISIN ADMINISTRATIVE COMMITTEE

## § 989.122 Producer districts for representation on Raisin Administrative Committee.

Commencing with the term of office beginning May 1, 1977, producer member districts are as follows:

(a) *District No. 1—Clovis-Sanger.* All of T. 12S., R. 20E. in Fresno County; all of T. 11S., R. 20E. in Fresno County; all of T. 11S., R. 21E. in Fresno County; all of T. 12S., R. 21E.; all of T. 12S., R. 22E.; Secs. 1, 2, 11, 12, 13, and 14 of T. 13S., R. 20E.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36 of T. 13S., R. 21E.; and Secs. 4, 5, 6, 7, 8, 9, 18, 19, 30, and 31 of T. 13S., R. 22E. The east one-half and Secs. 16, 17, 20, 21, 28, 29, 32, and 33 of T. 13S., R. 22E.; all of T. 13S., R. 23E. lying north and west of the east channel of Kings River; all of T. 14S., R. 23E. lying west of the east channel of Kings River; and Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 35 and 36, T. 14S., R. 22E.; all of Secs. 5 and 6, T. 15S., R. 23E., lying north of Kings River.

*District No. 2—Kerman.* All of T. 13S., R. 14E. in Fresno County; all of T. 13S., R. 15E. in Fresno County; all of T. 13S., R. 16E. in Fresno County; all of T. 13S., R. 17. in Fresno County; Secs. 30 and 31 of T. 13S., R. 18E.; all of T. 14S., R. 14E.; all of T. 14S., R. 15E.; all of T. 14S., R. 16E.; all of T. 14S., R. 17E.; all of T. 14S., R. 18E.; the west two-thirds of T. 14S., R. 19E.; all of T. 15S., R. 14E.; all of T. 15S., R. 15E.; all of T. 15S., R. 16E.; all of T. 15S., R. 17E.; and all of T. 15S., R. 18E.

*District No. 3—Biola.* All of T. 13S., R. 18E. in Fresno County, except Secs. 30 and 31; all of T. 12S., R. 19E. in Fresno County; and all of T. 13S., R. 19E., except Secs. 25, 26, 27, 28, 33, 34, 35, and 36.

*District No. 4—Fresno.* Secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 13S., R. 19E.; all of T. 13S., R. 20E., except Secs. 1, 2, 11, 12, 13 and 14; Secs. 19, 20, 29, 30, 31 and 32 of T. 13S., R. 21E.; the east one-third of T. 14S., R. 19E.; all of T. 14S., R. 20E.; and Secs. 5, 6, and 7 of T. 14S., R. 21E.

*District No. 5—Lone Star.* All of T. 14S., R. 21E., except Secs. 5, 6, 7, and 36.

*District No. 6—Easton-Oleander.* The north one-half of T. 15S., R. 19E.; the north two-thirds of T. 15S., R. 20E., except Sec. 19; and Secs. 6, 7, 18, and 19, T. 15S., R. 21E.

*District No. 7—Fowler.* The south one-half of Sec. 1, and Secs. 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29, and 33, T. 15S., R. 21E.; and Sec. 18, T. 15S., R. 22E.

*District No. 8—Del Rey.* Secs. 29, 30, 31, 32, 33 and 34, T. 14S., R. 22E.; Sec. 36, T. 14S., R. 21E.; the north one-half of Sec. 1, T. 15S., R. 21E.; and Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, and 17, T. 15S., R. 22E.

*District No. 9—Parlier.* All of Secs. 4, 9, 16 and 21 lying west of Kings River, and all of Secs. 5 and 6 lying west and south of Kings River, and Secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 15S., R. 23E.; Secs. 1, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 35 and 36, T. 15S., R. 22E.; and Secs. 5 and 6, T. 16S., R. 23E.

*District No. 10—Reedley.* All of T. 13S., R. 24E., lying east and south of the east channel of Kings River; all of T. 13S., R. 23E., lying east and south of the east channel of Kings River; T. 14S., R. 24E.; T. 14S., R. 25E.; all of T. 15S., R. 23E., lying east of the east channel of Kings River; all of Secs. 28 and 34, T. 15S., R. 23E., lying west of Kings River; Sec. 33, T. 15S., R. 23E.; all of Sec. 4, T. 16S., R. 23E. in Fresno County; and T. 15S., R. 24E.

*District No. 11—Kingsburg.* Secs. 11, 12, 13, 14, 15, 21, 22, 23, 27, 28, and 33, T. 16S., R. 22E.

those portions of Secs. 24, 26 and 34, T. 16S., R. 22E. within Fresno County; Sec. 7, T. 16S., R. 23E.; those portions of Secs. 8 and 18, T. 16S., R. 23E. within Fresno County; and those portions of Secs. 4, 5, 8, 9, and 17, T. 17S., R. 22E. within Fresno County.

*District No. 12—Selma.* Secs. 25, 34, 35 and 36, T. 15S., R. 21E.; Secs. 19, 20, 28, 29, 30, 31, 32, 33 and 34, T. 15S., R. 22E.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 29, 30, 31 and 32, T. 16S., R. 22E.; the east one-half of T. 16S., R. 21E.; Secs. 1 to 23, both inclusive, T. 17S., R. 21E., and that part of Secs. 24 to 30, both inclusive, T. 17S., R. 21E., within Fresno County; Secs. 6 and 7, T. 17S., R. 22E.; and those portions of Secs. 18 and 19, T. 17S., R. 22E. within Fresno County.

*District No. 13—Monmouth.* Secs. 25, 26, 27, 34, 35 and 36, T. 15S., R. 20E.; Secs. 30, 31 and 32, T. 15S., R. 21E.; and the west one-half of T. 16S., R. 21E.

*District No. 14—Caruthers.* The south one-half of T. 15S., R. 19E.; Secs. 19, 28, 29, 30, 31, 32 and 33, T. 15S., R. 20E.; T. 16S., R. 15E.; T. 16S., R. 16E.; T. 16S., R. 17E.; T. 16S., R. 18E.; T. 16S., R. 19E.; T. 16S., R. 20E.; T. 17S., R. 16E.; T. 17S., R. 17E.; T. 17S., R. 18E.; T. 17S., R. 19E.; T. 17S., R. 20E.; T. 18S., R. 16E.; T. 18S., R. 17E.; T. 18S., R. 18E.; T. 19S., R. 17E.; T. 19S., R. 18E.; T. 20S., R. 17E.; and all of T. 20S., R. 1E. within Fresno County.

(b) *District No. 15—The Counties of Kings, Monterey and San Benito.*

(c) *District No. 16—The Counties of Tulare and Inyo.*

(d) *District No. 17—The Counties of Kern, San Bernardino, Riverside, Imperial, San Diego, Orange, Los Angeles, Ventura, Santa Barbara and San Luis Obispo.*

(e) *District No. 18—The Counties of Madera and Mono.*

(f) *District No. 19—The Counties of Merced, Tuolumne, Mariposa, Stanislaus, San Joaquin, Santa Clara, San Francisco, San Mateo, Santa Cruz, Alameda, Contra Costa, Calaveras, Alpine, Marin, Solano, Sacramento, Amador, Eldorado, Placer, Nevada, Sutter, Yolo, Napa, Sonoma, Mendocino, Lake, Colusa, Yuba, Sierra, Plumas, Butte, Glenn, Tehama, Shasta, Lassen, Modoc, Siskiyou, Del Norte, Humboldt and Trinity.*

## § 989.125 [Deleted]

5. Section 989.125 is deleted.

6. Section 989.126 is revised to read:

## § 989.126 Producer representation on Raisin Administrative Committee.

(a) Commencing with the term of office beginning May 1, 1977, apportionment of the 35 producer members of the Raisin Administrative Committee among the 19 districts set forth in § 989.122 shall be as provided in this section.

(b) Each district shall have one producer member for each quantity of raisins produced therein that represents, as nearly as possible, one thirty-fifth of the total tonnage of raisins produced in all districts; *Provided*, That each district shall have at least one member. The producer representation on the Committee shall be reviewed every 3 years after 1976 and any necessary changes made to continue such representation on the basis of one thirty-fifth of the total tonnage of raisins produced. The raisin production to be used shall be that of the then preceding crop year.

(c) Whenever any change causes a reduction in the number of producer members to represent a particular district in the ensuing terms of office, the appointment theretofore made of all in-

cumbent producer members representing that district shall be terminated. The reduced number of such members and the new members for districts gaining representation shall be nominated and selected, consistent with § 989.28(a), for the ensuing term of office.

(d) Apportionment of the 35 producer members of the Raisin Administrative Committee among the 19 districts set forth in § 989.122 on the basis of the quantity of raisins produced, as provided in paragraph (b) of this section, shall be as follows:

(1) One member for each of the 19 districts.

(2) One additional member for each of the following districts: No. 6—Easton-Oleander; No. 7—Fowler; No. 8—Del Rey; and No. 16—Tulare and Inyo Counties.

(3) Two additional members for each of the following districts: No. 2—Kerman; No. 3—Biola; No. 12—Selma; and No. 18—Madera and Mono Counties.

(4) Four additional members for District No. 14—Caruthers.

## §§ 989.127—989.128 [Deleted]

7. Section 989.127 is deleted.

8. Section 989.128 is deleted.

## § 989.129 [Amended]

9. In the first sentence of § 989.129, the word "board" is changed to the "Committee".

## §§ 989.138, 989.140 [Deleted]

10. Sections 989.138 and 989.140 are deleted, and § 989.139 is revised to read:

## § 989.139 Compensation for attendance of alternates at Committee meetings.

Whenever a member of the Raisin Administrative Committee or Executive Operations Committee has reason to believe that he will be unable to attend a Committee meeting and has so notified his alternate or the Committee manager, such notification or a request from the manager shall be held to be a request for the alternate to attend and he shall be reimbursed for reasonable expenses subject to the limitations contained in § 989.39.

11. The center heading "RAISIN ADMINISTRATIVE COMMITTEE" immediately following § 989.129 is changed to "EXECUTIVE OPERATIONS COMMITTEE" and inserted after revised § 989.139.

12. A new § 989.142 is added to read:

## EXECUTIVE OPERATIONS COMMITTEE

## § 989.142 Producer districts for representation on Executive Operations Committee.

(a) As used in § 989.143, the term "group of districts" means any one of the following:

(1) Group I districts means Districts No. 1 through 14 as set forth in § 989.122;

(2) Group II districts means Districts No. 15, 16 and 17 as set forth in § 989.122; and

(3) Group III districts means Districts No. 18 and 19 as set forth in § 989.122.

13. A new § 989.143 is added to read:  
 § 989.143 **Producer representation on Executive Operations Committee.**

(a) Commencing with the term of office beginning June 1, 1977, apportionment of the eight producer members of the Executive Operations Committee among the three groups of districts set forth in § 989.142 shall be as provided in this section.

(b) Each group of districts shall have one producer member for each quantity of raisins produced in such districts that represents, as nearly as possible, one-eighth of the total tonnage of raisins produced in all districts: *Provided*, That each group of districts shall have at least one member. The producer representation on the Executive Operations Committee shall be reviewed every three years after 1976 and any necessary changes made to continue such producer member representation on the basis of one-eighth of the total tonnage of raisins produced. The raisin production to be used in such review or charge shall be that of the then preceding crop year.

(c) Apportionment of the eight producer members of the Executive Operations Committee among the three groups of districts (as set forth in § 989.142) on the basis of the quantity of raisins produced, as provided in paragraph (b) of this section, is as follows:

- (1) Six members for Group I districts;
- (2) One member for Group II districts; and
- (3) One member for Group III districts.

§§ 989.148, 989.152 [Deleted]

14. Section 989.148 is deleted.

15. Section 989.152 is deleted.

16. The center heading "GRADE AND CONDITION STANDARDS" immediately preceding § 989.158 is changed to "QUALITY CONTROL" and § 989.158 (a) (8) is revised to read:

**QUALITY CONTROL**

§ 989.158 **Natural condition raisins.**

(a) \* \* \* (8) With respect to any lot of natural condition raisins being received and inspected at a handler's inspection point pursuant to paragraph (a) (3) of this section, the handler shall notify the inspection service if he elects to have the raisins inspected for infestation. If the handler elects not to have the raisins inspected for infestation, he shall: (i) Fumigate promptly all raisins he receives; (ii) notify the inspection service in advance of the time he plans to fumigate such raisins; (iii) permit the inspection service to monitor the fumigation; and (iv) permit the inspection service to make periodic incubation checks of his packed raisins. The inspection service shall certify the raisins received as standard raisins if they meet all other grade and condition standards. If the handler elects to have the raisins inspected for infestation, the inspector

shall afford such handler the opportunity to fumigate such raisins during the inspection and certification process. Such raisins shall remain under the supervision of the inspector during the fumigation. The inspection certificate shall not be issued until the fumigation is completed: *Provided*, That the inspection certificate shall be issued, whether or not the fumigation is completed, not later than five business days after the date the inspection and certification process is suspended by the inspector to permit fumigation.

17. In § 989.159(g), the undesignated paragraph beginning with the words "Except as authorized in this part, no handler shall ship or otherwise" following paragraph (g) (1) is corrected by placing the heading "(2) Disposition. (i)" immediately before the word "Except"; in that paragraph, the parenthetical reference "(as defined in § 989.59 (f))" and the parenthetical expression "(including defective raisins, stemmer waste, sweepings, and other residue)" are deleted; and the reference to paragraph "(g) (1) (iii)" in subdivision (e) and (ii) of that undesignated paragraph are changed to paragraph "(g) (2) (iii)".

18. In § 989.166, paragraphs (c) (2) and (3) are revised, and the second sentence of paragraph (d) is amended by deleting the words "and quality" immediately following the word "quantity". As revised, paragraphs (c) (2) and (3) read as follows:

§ 989.166 **Reserve tonnage generally.**

(c) \* \* \* (2) *Conditions.* Each handler shall store reserve tonnage raisins in storage and under conditions which protect them from rain and which reasonably can be expected to maintain the raisins free of any biological or other infestation or contamination. Each handler shall, pursuant to § 989.66(b) (2), store each varietal type of reserve tonnage raisins held by him for the account of the Committee, separate and apart from all other raisins. Storage of such raisins shall be deemed "separate and apart" if the containers are so marked and placed as to be capable of ready and clear identification as to the category in which they are held. Reserve tonnage raisins shall be stored in sweatboxes, picking boxes, or other portable containers not exceeding one ton capacity.

(3) *Substitution of reserve tonnage.* A handler may, pursuant to § 989.66(b) (3), after giving the Committee reasonable advance notice in writing and under its direction and supervision, substitute standard raisins for reserve tonnage raisins.

§ 989.173 [Amended]

19. In § 989.173, paragraph (a) is amended by changing the dates August 31 and September 6 to July 31

and August 6, respectively, and paragraph (d) (2) is amended by deleting the words "(as defined in § 989.59(f))".

**Subpart—Supplementary Regulations**

§§ 989.201, 989.203, 989.204, 989.211, 989.212, 989.224 [Deleted]

20. Sections 989.201, 989.203, 989.204, 989.211, 989.212 and 989.224 are deleted.

**Subpart—Schedule of Payments**

22. In § 989.401, the date "September 1, 1975" in paragraph (a) (1) is changed to "August 1, 1977" and paragraphs (b) and (c) are revised to read:

§ 989.401 **Payments for services performed with respect to reserve tonnage raisins.**

(b) *Additional payment for raisins held beyond crop year of acquisition.* Additional payment for reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler holding such raisins for the account of the Committee on August 15 and the following September 1 shall be compensated for storing, handling, and fumigating such raisins at the rate of 85 cents per ton per month, or any part thereof, for each month of the 3-month period ending November 30, and 42½ cents per ton per month, or any part thereof for each month of the next 9 months. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

(c) *Payment of rental on boxes and bins containing raisins held beyond crop year of acquisition.* Payment of rental on boxes and bins containing reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler, producer, dehydrator, and other person who furnishes boxes or bins in which such raisins are held for the account of the Committee on August 15 and the following September 1 shall be compensated for the use of such boxes and bins. The rate of compensation shall be: For boxes, one and two-thirds cents per day, not to exceed a total payment of 50 cents per box per year, per average net weight of raisins in a sweatbox, with the equivalent rates for raisins in boxes other than sweatboxes; and for bins, thirteen and one-third cents per day per bin, not to exceed a total of \$4 per bin per year. For purposes of this paragraph, box means any container with a capacity of less than 1,000 pounds and bin means any container with a capacity of 1,000 pounds, or more. The average net weight of raisins in each type of container shall be the industry average as computed by the Committee for the container in which the raisins are so held. No further compensation shall be paid unless the raisins are so held in the boxes or bins on the succeeding September 1.

## Subpart—Conversion Factors

22. The table in § 989.601 is revised to read:

§ 989.601 Conversion factors for raisin weight.

Varietal type	Weight taken after—	
	Passing through stemmer and blower	Completion of processing
Natural (sun-dried) seedless.....	0.94	0.92
Golden seedless.....	.96	.95
Dipped seedless.....	.96	.95
Muscats (including other raisins with seeds):		
Seeded.....		.80
Unseeded.....	.94	.92
Sultana.....	.94	.92
Zante currant.....	.93	.91

## Subpart—Quality Control

23. The center heading "Subpart—Quality Control" is added after § 989.601 and a new § 989.701 is added to read:

§ 989.701 Minimum grade and condition standards for natural condition raisins.

Effective pursuant to § 989.58, raisins meeting the varietal standards set forth hereinafter shall be considered as standard raisins and those failing to meet such standards shall be considered as off-grade raisins. Where the raisins in any lot consist of two or more varietal types commingled within their containers, the lot shall be considered as a mixed lot and as standard raisins if they meet for each defect the most restrictive requirements for the defect provided in this section for the varietal types of raisins comprising the lot: *Provided*, That in the event layered Muscats (including other raisins with seeds) are commingled within their containers with loose Muscats (including other raisins with seeds) the entire lot shall be considered as loose Muscats (including other raisins with seeds) and as standard raisins if the lot as a whole meets the minimum standards for loose Muscats (including other raisins with seeds): *Provided further*, That with respect to the requirements peculiar to a varietal type such as possessing characteristic color, flavor, or odor, the raisins shall be considered as meeting such requirement if they have been properly prepared as raisins. In each category, only those raisins which have been properly dried and cured in original natural condition, are free from active infestation and are in such condition that they are capable of being received, stored and packed without undue deterioration or spoilage, shall be considered as storable raisins.

(a) *Natural (sun-dried) Seedless Raisins.* Natural condition Natural (sun-dried) Seedless Raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free

from damage by sugaring, mechanical injury, sunburn, or other similar injury; (2) shall have a normal characteristic color, flavor, and odor of properly prepared raisins; (3) shall contain not more than 8 percent by weight of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well matured grapes); (4) shall not exceed 16 percent moisture as determined by the dried fruit moisture tester method; and (5) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee.

(b) *Dipped Seedless.* Natural condition Dipped Seedless raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free from damage by sugaring, mechanical injury, sunburn, or other similar injury; (2) shall have a normal characteristic flavor and odor of properly prepared raisins; (3) shall contain not more than 8 percent by weight of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well matured grapes); (4) shall not exceed 14 percent moisture as determined by the dried fruit moisture tester method, and (5) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee.

(c) *Golden Seedless.* Natural condition Golden Seedless raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free from damage by sugaring, mechanical injury, sunburn or other similar injury; (2) shall have a normal characteristic flavor and odor of properly prepared raisins; (3) shall contain not more than 8 percent by weight of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well matured grapes); (4) shall not exceed 14 percent moisture as determined by the dried fruit moisture tester method (5) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee; and (6) shall possess a color varying from yellowish green to dark amber or dark greenish amber with not more than 15 percent, by weight, of all the raisins being definitely dark berries. "Definitely dark berries" means raisins

which are definitely darker than dark amber and characteristic of "naturally" raisined grapes.

(d) *Muscats (including other raisins with seeds).* Natural condition Muscat raisins (including other raisins with seeds) shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements:

(1) Shall be fairly free from damage by sugar, mechanical injury, sunburn or other similar injury; (2) shall be fairly free from immature (skinny) raisins and shall have a normal characteristic color, flavor, and odor of properly prepared raisins; (3) shall not exceed 16 percent moisture as determined by the dried fruit moisture tester method, except that water dipped, vine sprayed or similarly treated Muscats (including other raisins with seeds) shall not exceed 14 percent moisture, and that there shall be no maximum moisture content for layered Muscats (including other raisins with seeds); (4) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order, and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee, and that with respect to layered Muscats (including other raisins with seeds), in addition to the above requirements the raisins shall be fairly free from shattered (or loose end) berries; uniformly cured; 30 percent or more "3 Crown" or larger size; of such quality and condition that when processed in accordance with good commercial practice will, except for moisture content, meet the minimum standards for processed raisins established by the Committee.

(e) *Sultana Raisins.* Natural condition Sultana raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free from damage by sugaring, mechanical injury, sunburn, or other similar injury; (2) shall be fairly free from immature (skinny) raisins and shall have a normal characteristic color, flavor, and odor of properly prepared raisins; (3) shall not exceed 16 percent moisture as determined by the dried fruit moisture tester method; and (4) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order, and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee.

(f) *Zante Currant Raisins.* Natural condition Zante Currant raisins shall have been prepared from sound, wholesome, matured grapes properly dried and cured, and shall meet the following additional requirements: (1) Shall be fairly free from damage by sugaring, mechanical injury, sunburn, or other similar injury; (2) shall be fairly free from immature (skinny) raisins and shall have a

normal characteristic color, flavor, and odor of properly prepared raisins for the varietal type; (3) shall not exceed 16 percent moisture as determined by the dried fruit moisture tester method; and (4) the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order, and that when processed in accordance with good commercial practice will meet the minimum standards for processed raisins established by the Committee.

24. A new § 989.702 is added to read:

**§ 989.702 Minimum grade standards for packed raisins.**

Effective pursuant to § 989.59, the minimum grade standards for packed raisins shall be as follows: (a) With respect to Natural (sun-dried) Seedless, Dipped Seedless, Golden Seedless, Muscats (including other raisins with seeds), and Sultana raisins, "U.S. Grade C" as defined in effective United States Standards for Grades of Processed Raisins (§§ 52.1841-52.1858 of this title); (b) with respect to Golden Seedless raisins, the color requirements for "colored" as defined in the said standards; (c) with respect to layered Muscats (including other raisins with seeds), "U.S. Grade B" as defined for "Layer or Cluster Raisins With Seeds" in the said standards, except the provisions therein relating to moisture content; and (d) with respect to Zante Currant raisins, "U.S. Grade B" as defined in the said standards. A handler may grind raisins, which do not meet these minimum grade standards because of mechanical damage or sugaring, into a raisin paste.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: September 27, 1977.

CHARLES R. BRADER,  
Deputy Director,  
Fruit and Vegetable Division.

[FR Doc.77-28925 Filed 9-29-77;8:45 am]

[ 3410-02 ]

**CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE**

[Milk Order No. 2, Docket No. AO-71-A71]

**PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA**

**Order Amending Order**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the order based on industry proposals considered at a public hearing in February 1976. The amendments will adjust the prices for milk throughout the production area to more nearly reflect the costs incurred

by handlers in assembling milk from farms and transporting it to plants for processing. Another amendment institutes a late-payment charge on overdue payments by handlers to the market administrator to encourage prompt payments for milk. Minor changes have been made in the classification of milk according to its use to reflect current marketing practices.

EFFECTIVE DATE: November 1, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Willard H. Blanchard, Deputy Director, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-5661).

**SUPPLEMENTARY INFORMATION:**

Prior documents in this proceeding:  
Notice of hearing—Issued January 9, 1976; published January 14, 1976 (41 FR 2092).

Extension of time for filing briefs—Issued April 15, 1976; published April 21, 1976 (41 FR 16660).

Recommended decision (partial)—Issued April 5, 1977; published April 11, 1977 (42 FR 18950).

Extension of time for filing exceptions to the recommended decision (partial)—Issued May 6, 1977; published May 11, 1977 (42 FR 23841).

Final decision—Issued August 12, 1977; published August 17, 1977 (42 FR 41582).

**FINDINGS AND DETERMINATIONS**

The following findings and determinations supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth below:

(a) *Findings upon the basis of the hearing record.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. The hearing was held according to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and

the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

**ORDER RELATIVE TO HANDLING**

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1002.22(m), a new subparagraph (3) is added to read as follows:

**§ 1002.22 Additional duties of the market administrator.**

\* \* \* \* \*

(m) \* \* \*

(3) For the purpose of allocating receipts from other Federal order plants under § 1002.45(a)(12) and the corresponding step of § 1002.45(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in pool milk of all handlers. Such estimate shall be final for such purpose.

2. In § 1002.41(c), subparagraphs (7) and (8) are revised and new subparagraphs (9), (10), and (11) are added to read as follows:

**§ 1002.41 Classes of utilization.**

\* \* \* \* \*

(c) \* \* \*

(7) In shrinkage allocated to Class II pursuant to § 1002.42;

(8) In skim milk represented by the nonfat solids added to a fluid milk product for fortification which is in excess of